

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JULI WINTJEN, on behalf of herself and all other similarly situated,)	2:19-CV-00069-NR
)	
)	
Plaintiff,)	
)	
)	
vs.)	
)	
)	
DENNY'S INC.,)	
)	
)	
Defendant.)	

**ORDER GRANTING DENNY'S, INC.'S MOTION FOR PARTIAL SUMMARY
JUDGMENT AND DISMISSAL PURSUANT TO 28 U.S.C. § 1367**

This cause is before the Court on Defendant Denny's, Inc.'s ("Denny's") Motion for Partial Summary Judgment and Dismissal Pursuant to 28 U.S.C. § 1367. The matter being fully briefed, and the Court being otherwise sufficiently advised, it hereby orders as follows:

1. Denny's' Motion for Partial Summary Judgment on Plaintiff Juli Wintjen's claims under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 *et seq.* ("First Claim for Relief") is granted, and judgment is entered in favor of Denny's on all of Plaintiff's FLSA claims; and
2. Plaintiff's claims under the Pennsylvania Minimum Wage Act ("PMWA"), 42 P.S. § 333.102 *et seq.* ("Second Claim for Relief") are dismissed, without prejudice, pursuant to 28 U.S.C. § 1367.

DATED this _____ day of _____, 2020.

BY THE COURT

United States District Judge

Tendered by:

GRAYDON HEAD & RITCHIEY LLP

s/ Darren W. Ford

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